

RESOLUTION NO. 2020 - 31219

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DURATION OF THE CITY MANAGER'S DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC; SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON MARCH 19, 2020, ENDING ON MARCH 26, 2020; AND, ON MARCH 26, 2020, AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH, FOR FOUR (4) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE ON MARCH 26, 2020, AND END ON APRIL 23, 2020; PROVIDED FURTHER, THAT THE SUBJECT DECLARATIONS OF EMERGENCY MAY BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

WHEREAS, a new and significant outbreak of Coronavirus Disease 2019 emerged from China in late 2019; and

WHEREAS, the Coronavirus Disease 2019 ("COVID-19") is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the World Health Organization declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the world; and

WHEREAS, Florida Governor Ron DeSantis issued an Executive Order on March 1, 2020, directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020, based upon its impact to the State of Florida; and

WHEREAS, COVID-19 has impacted one-hundred and twenty-seven (127) countries around the globe, and these countries have reported that approximately 174,134 individuals have contracted COVID-19, with nearly 6,684 people having died from this disease; and

WHEREAS, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for Miami-Dade County on March 11, 2020, and, among other measures taken, suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena, including similar activities and events; and

WHEREAS, to control the spread of COVID-19 and mitigate its effects, Section 26-31 of the City Code authorizes the City Manager to determine there exists an imminent threat to public peace or order and to the general welfare of the City exists, and to declare a State of Emergency and impose certain discretionary emergency measures to protect the public health, safety and welfare of the residents and visitors to the City of Miami Beach; and

WHEREAS, the City Manager has determined that, pursuant to Section 26-31, such State of Emergency exists in the City and, on March 12, 2020, issued a Declaration of a State of Emergency in the City of Miami Beach; and

WHEREAS, the City Manager is authorized, pursuant to Section 26-33 of the City Code and Chapter 252 of the Florida Statutes, to order and promulgate any (or all) of those discretionary emergency measures, in whole or in part, with such limitations and conditions as the City Manager may deem appropriate; and

WHEREAS, pursuant to City Code Section 26-35, the duration of such Declaration of a State of Emergency (and any such discretionary emergency measures implemented pursuant thereto) is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

WHEREAS, notwithstanding the preceding, Section 252.38 of the Florida Statutes provides that the duration of each State of Emergency declared locally is limited to a period of seven (7) days; however, Section 252.38 also provides that such local State of Emergency may be extended, as necessary, in 7-day increments; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach, at a specially held session on March 13, 2020, unanimously passed and adopted Resolution No. 2020-31192, expressly authorizing the City Manager to extend the duration of the Declaration of a State of Emergency (and those discretionary emergency measures implemented, or to be implemented, thereto) for a period of seven (7) days, commencing on March 12, 2020, and ending on March 19, 2020, to address the COVID-19 pandemic, and in order to protect the public health, safety and welfare; and

WHEREAS, the City Manager hereby requests that the City Commission grant him the authority to extend the Declaration of a State of Emergency in the City of Miami Beach (to continue to implement any current or future discretionary emergency measures) in accordance with the extended time period provided under Florida law; and

WHEREAS, the City Manager hereby requests that the Mayor and City Commission approve the continuation of the Declaration of a State of Emergency in the City of Miami Beach, for a period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020; and

WHEREAS, the City Manager hereby further requests that the City Commission authorize him, (which authorization shall commence on March 26, 2020) to continue to extend the Declaration of a State of Emergency in the City of Miami Beach, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020; and

WHEREAS, the Mayor and City Commission hereby acknowledges and consents to the aforesaid 7-day incremental extensions, subject to the City Commission's right to periodically review and, if deemed necessary by the body, terminate the Declaration; and

WHEREAS, accordingly, prior to April 23, 2020, should the Mayor or any Commissioner make a request to the City Manager to re-visit the term of the Declaration of a State of Emergency (including, without limitation, terminating the Declaration) prior to its normal expiration on April 23, 2020, then the Mayor or any City Commissioner shall notify the City Manager or such intent, via email, and the City Manager shall promptly call a special meeting of the City Commission, pursuant to Section 2.04 of the City Charter.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

1. The City Manager is hereby authorized to extend the Declaration of a State of Emergency in the City of Miami Beach to address the COVID-19 pandemic; said extension for an additional period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020.
2. The City Manager is further authorized to continue to extend the Declaration of a State of Emergency in the City of Miami Beach, on March 26, 2020, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020.
3. Notwithstanding the preceding sections, should the Mayor or any City Commissioner deem it necessary to review the extension(s) granted herein, including to consider termination of such extension(s), then the Mayor or any City Commissioner shall notify the City Manager, via e-mail and, upon receipt of such notice, the City Manager shall promptly call a special meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of discussing same.

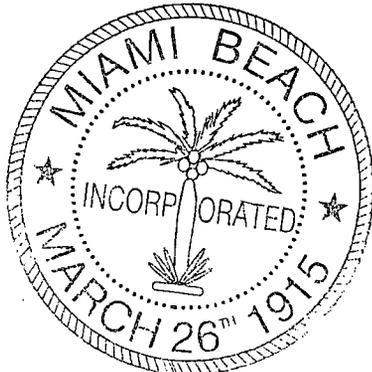
PASSED and ADOPTED this 18 day of March, 2020.

ATTEST:

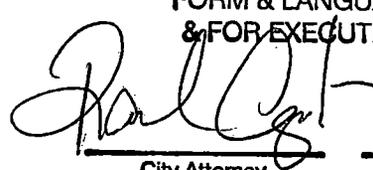

3/19/2020
Rafael E. Granado, City Clerk



Dan Gelber, Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-18-2020

Date

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission
Jimmy L. Morales, City Manager

FROM: Raul J. Aguila, City Attorney



DATE: March 18, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DURATION OF THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 26-35 OF THE CITY CODE, AND BEYOND THE 7-DAY PERIOD SET FORTH IN CHAPTER 252 OF THE FLORIDA STATUTES; SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON MARCH 19, 2020, AND ENDING ON MARCH 26, 2020; AND, ON MARCH 26, 2020, THE CITY MANAGER IS FURTHER AUTHORIZED TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH, FOR FOUR (4) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE ON MARCH 26, 2020, AND END ON APRIL 23, 2020; AND PROVIDED FURTHER, THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

Please see the attached, amended Resolution requesting authorization from the Mayor and City Commission to extend the duration of the Declaration of a State of Emergency in the City of Miami Beach, in order to continue to address the COVID-19 pandemic.

The Resolution provides that the Declaration of a State of Emergency shall be extended for a period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020; and further provides that the City Manager shall be authorized to continue to extend the Declaration of a State of Emergency for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020.

The substantive change in this Resolution allows the Mayor and City Commission to determine, at its regularly scheduled meeting on April 22, 2020, whether the Declaration of a State of Emergency should be continued or terminated. In the event that the April 22, 2020 City Commission is cancelled or rescheduled to a later

date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency.

This amended Resolution replaces and supersedes the Resolution in Addendum Material 1 to the March 18, 2020 City Commission Agenda.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: March 18, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DURATION OF THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH (INCLUDING, WITHOUT LIMITATION, ANY DISCRETIONARY EMERGENCY MEASURES THAT THE MANAGER DEEMS NECESSARY TO ADDRESS THE COVID-19 PANDEMIC), BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 26-35 OF THE CITY CODE, AND BEYOND THE 7-DAY PERIOD SET FORTH IN CHAPTER 252 OF THE FLORIDA STATUTES; SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON MARCH 19, 2020, AND ENDING ON MARCH 26, 2020; AND, ON MARCH 26, 2020, FURTHER AUTHORIZING THE CITY MANAGER TO AUTOMATICALLY EXTEND THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH, IN 7-DAY INCREMENTS, AS THE CITY MANAGER DEEMS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, UNTIL SUCH TIME THAT THE MAYOR AND CITY COMMISSION FORMALLY WITHDRAW THE AUTHORIZATION.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

ATTACHMENTS:

Description

- 1 Resolution